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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/729,793	12/05/2003	Robert E. Tolbert JR.	8C20.1-820	2248

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GARDNER GROFF GREENWALD & VILLANUEVA, P.C.
2018 POWERS FERRY ROAD
SUITE 800
ATLANTA, GA 30339

EXAMINER	
EL CHANTI, HUSSEIN A	
ART UNIT	**PAPER NUMBER**
2157	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/729,793	TOLBERT, ROBERT E.	
	Examiner	Art Unit	
	Hussein A. El-chanti	2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05 December 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-21* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *3/11/2004*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to application filed on Dec. 5, 2003. Claims 1-21 are pending examination.

Drawings

2. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because the drawings are informal drawings. Applicant is advised to employ the services of a competent patent draftsperson outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 12-15 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

4. Claims 12-15 lacks or not limited to physical articles or objects which are structurally and functionally interconnected to the code in such a manner or to establish a statutory category of invention and enable the code to act as a computer component and realize its functionality since the code is not stored in the computer readable medium.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-5 and 7-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Ramberg et al., U.S. Patent No. 6,857,013 (referred to hereafter as Ramberg).

As to claim 1, Ramberg teaches a method for automated handling of a service problem reported by a wireless device customer, comprising the steps of:

providing a means by which the wireless device customer can initiate and establish contact with a computer server (see col. 16 lines 18-67, the wireless device has a GUI to enter and send the problems to a remote server);

communicating certain identification information to the computer server (see col. 16 lines 45-67, user sends information regarding the device to the server);

communicating information about system conditions associated with the service problem to the computer server (see col. 16 lines 18-67 and col. 17 lines 45-col. 18 lines 7);

identifying the specific nature of the service problem by comparing the system condition information to a database of known problems maintained by the computer server (see col. 6 lines 42-col. 7 lines 17 and col. 8 lines 57-col. 9 lines 7, the server

uses values stored in MIB database server to identify the problems with the device and accordingly performs an upgrade to fix the problem); and

initiating a corrective action responsive to the specific nature of the service problem (see col. 18 lines 28-61 and col. 19 lines 7-31, the device is reconfigured to fix the problem).

As to claim 2, Ramberg teaches the method as recited in claim 1, in which the step of communicating certain identification information to the computer server is carried out in response to prompting of the wireless device customer (see col. 16 lines 45-67 and fig. 8A-B, the user is prompted using a GUI to enter identification information that describes the device problem).

As to claim 3, Ramberg teaches the method as recited in claim 1, in which the wireless device is a mobile telephone (see fig. 7).

As to claim 4, Ramberg teaches the method as recited in claim 1, in which the corrective action includes adjustment of settings of one or more network components through execution of certain computer instructions that are communicated to the one or more network components (see col. 18 lines 28-61 and col. 19 lines 7-31, an applet is downloaded to the device to collect device information and then the device is reconfigured).

As to claim 5, Ramberg teaches the method as recited in claim 4, in which switch settings are adjusted (see col. 14 lines 66-col. 15 lines 15, MIB objects are reinstalled).

As to claim 7, Ramberg teaches the method as recited in claim 1, in which the corrective action includes downloading of certain settings or software updates to the

wireless device (see col. 21 lines 5-46, new upgrade software is downloaded to the device).

As to claim 8, Ramberg teaches the method as recited in claim 1, in which contact is established between the wireless device customer and the computer server through a computer network (see col. 21 lines 35-46).

As to claim 9, Ramberg teaches the method as recited in claim 8, in which the computer network is the Internet (see col. 21 lines 35-46).

As to claim 10, Ramberg teaches a method for automated handling of a service problem reported by a wireless device customer to a customer service representative, comprising the steps of:

initiating and establishing contact between the customer service representative and a computer server (see col. 16 lines 18-67, the wireless device has a GUI to enter and send the problems to a remote server);

communicating certain identification information to the computer server;

communicating certain information about system conditions associated with the service problem to the computer server (see col. 16 lines 45-67, user sends information regarding the device to the server), thereby allowing the computer server to:

(a) identify the specific nature of the service problem by comparing the system condition information to a database of known problems maintained by the computer server (see col. 6 lines 42-col. 7 lines 17 and col. 8 lines 57-col. 9 lines 7, the server uses values stored in MIB database server to identify the problems with the device and accordingly performs an upgrade to fix the problem), and then

(b) initiate a corrective action responsive to the specific nature of the service problem (see col. 18 lines 28-61 and col. 19 lines 7-31, the device is reconfigured to fix the problem).

As to claim 11, Ramberg teaches the method as recited in claim 10, in which contact is established between the customer service representative and the computer server through a computer network (see col. 21 lines 35-46).

As to claim 12, Ramberg teaches a computer-readable medium containing computer-readable instructions which, upon the request of a user, performs the steps of:

receiving certain identification information (see col. 16 lines 45-67, user sends information regarding the device to the server);

prompting the user to input certain information about system conditions associated with a service problem (see col. 16 lines 45-67 and fig. 8A-B, the user is prompted using a GUI to enter identification information that describes the device problem);

identifying the specific nature of the service problem by comparing the system condition information to a database of known problems (see col. 6 lines 42-col. 7 lines 17 and col. 8 lines 57-col. 9 lines 7, the server uses values stored in MIB database server to identify the problems with the device and accordingly performs an upgrade to fix the problem); and

initiating a corrective action responsive to the specific nature of the service problem (see col. 18 lines 28-61 and col. 19 lines 7-31, the device is reconfigured to fix the problem).

As to claim 13, Ramberg teaches the computer-readable medium containing computer-readable instructions as recited in claim 12, in which the wireless device is a mobile telephone (see fig. 7).

As to claim 14, Ramberg teaches the computer-readable medium containing computer-readable instructions as recited in claim 12, in which the step of initiating a corrective action includes communication of certain computer instructions to one or more network components to adjust settings associated with said one or more network components (see col. 21 lines 1-45).

As to claim 15, Ramberg teaches the computer-readable medium containing computer-readable instructions as recited in claim 14, in said network components are switches (see col. 11 lines 4-44, the agent server stores diagnostic and configuration settings of the mobile devices and when devices are upgraded, the configuration is also updated on the agent).

As to claim 16, Ramberg teaches a system for troubleshooting a service problem associated with a wireless device, comprising:

a server containing diagnostic logic and configured to receive an input from a user, wherein the input includes identification information and certain information about conditions associated with the service problem, and wherein the server evaluates the

service problem based on an application of the diagnostic logic to the input (see col. 8 lines 45-col. 9 lines 7 and col. 6 lines 42-col.7 lines 17); and

at least one network component in communication with the server, wherein the server modifies said at least one network component based on the application of the diagnostic logic to the input (see col. 14 lines 66-col. 15 lines 15, MIB objects are reinstalled).

As to claim 17, Ramberg teaches the system as recited in claim 16, wherein the user is a wireless device customer (see fig. 7).

As to claim 18, Ramberg teaches the system as recited in claim 16, wherein the user is a customer service representative who a wireless device customer has contacted to assist with the service problem (see col. 18 lines 8-27).

As to claim 19, Ramberg teaches the system as recited in claim 16, in which the wireless device is a mobile telephone (see fig. 7).

As to claim 20, Ramberg teaches the system as recited in claim 16, in which initiating the corrective action includes communication of certain computer instructions to one or more network components to adjust settings associated with said one or more network components (see col. 18 lines 8-27).

As to claim 21, Ramberg teaches the system as recited in claim 20, in which said network components are switches (see col. 11 lines 4-44, the agent server stores diagnostic and configuration settings of the mobile devices and when devices are upgraded, the configuration is also updated on the agent).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ramberg in view of Morris et al., U.S. Patent No. 6,347,339 (referred to hereafter as Morris).

Ramberg teaches the method in which the corrective action includes adjustment of settings of one or more network components through execution of certain computer instructions that are communicated to the one or more network components (see col. 18 lines 28-61 and col. 19 lines 7-3). Ramberg does not explicitly teach certain computer instructions are communicated to the switch through a "telnet session".

However, Morris teaches a system and method for establishing a Telnet session between a first node and a second node to exchange information (see Morris abstract, fig. 2 and col. 49-67).

It would have been obvious for one of the ordinary skill in the art at the time of the invention to use Telnet protocol in to exchange instructions in the method of Ramberg as taught by Morris. Motivation to do so comes from Morris (see col. 9 lines 66-col. 10 lines 3) because doing so would Ramberg's method and system more secure and reliable by using a password protected protocol.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hussein A. El-chanti whose telephone number is (571)272-3999. The examiner can normally be reached on Mon-Fri 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571)272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Signature: /Hussein Elchanti/